

**CHIROPRACTIC EXAMINING BOARD
MEETING MINUTES
OCTOBER 8, 2009**

PRESENT: Wendy M. Henrichs DC, James P. Koshick DC, Steven J. Silverman DC, Mania Moore, and Kathleen Schneider

EXCUSED: Steven R. Conway DC

STAFF: Yolanda McGowan, Bureau Director; Peggy Wichmann, Legal Counsel; Michelle Solem, Bureau Assistant; and other DRL Staff

CALL TO ORDER

Chair Wendy Henrichs called the meeting to order at 8:40 a.m. A quorum of 5 members was present.

ADOPTION OF AGENDA

Amendments:

- In closed session, under Item T, Dr. Golde will be appearing in person or as close to 12:30 as can be heard. His attorney is requesting that his psychologist appear by telephone.
- Limited discussion relating to Item K and discuss it in depth at the next meeting.
- Remove discussion regarding item writing from closed session.

MOTION: Kathleen Schneider moved, seconded by Mania Moore, to approve the Agenda as amended with the exception of the removal of Item K. Motion carried unanimously.

APPROVAL OF MINUTES OF AUGUST 13, 2009

Amendments:

- Change admonished to advised under Secretary Jackson's report.
- Correct the typo on page 7 – "introduced" in the third paragraph from the bottom

MOTION: Mania Moore moved, seconded by James Koshick, to approve the Minutes of August 13, 2009 as amended. Motion carried unanimously.

ADMINISTRATIVE REPORT

Yolanda McGowan explained that the delay in agenda distribution is caused in great part by our staffing shortage. She then asked the Board to review and approve the meeting dates for 2010. She requested that elections be held today in order to accommodate the Board Chair and Vice-Chair Training in December. The new officers, however, will not take office until the first Board meeting of the 2010 calendar year. Wendy Henrichs commented that while the Board may be sympathetic, they still need to get the information on a more timely basis. Yolanda McGowan mentioned that we could possibly send the agenda packets electronically. Steven Silverman asked that an e-mail be sent to the Board to inform them of when they might receive the packet so that they can budget time to read it before the meeting.

ELECTION OF OFFICERS AND BOARD APPOINTMENTS FOR 2010

- NOMINATION:** Mania Moore nominated Wendy Henrichs as Board Chair. The chair called for additional nominations three times before calling the vote. Wendy Henrichs was elected by unanimous vote.
- NOMINATION:** Mania Moore nominated Steven Silverman as Board Vice-Chair. The chair called for additional nominations three times before calling the vote. Steven Silverman was elected by unanimous vote.
- NOMINATION:** Mania Moore nominated James Koshick as Board Secretary. The chair called for additional nominations three times before calling the vote. James Koshick was elected by unanimous vote.

PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS OR ANY SIGNED AFTER MAILING OF THE AGENDA

PRECEPTOR APPROVALS OR ANY RECEIVED AFTER PRINTING OF AGENDA

The following requests for approval of preceptors have been submitted to the DRL 45 days in advance of the beginning of the school's next trimester:

<u>School</u>	<u>Chiropractor</u>	<u>Lic Granted</u>
Palmer (Pregrad)	Dr. Michael Borski	03/19/1998
	Dr. Dale Strama	01/09/1986
	Dr. Kenneth Krimpelbein	01/06/1995
	Dr. H. Dale Poland	07/26/1977
Palmer (Postgrad)	Dr. Kevin Blau	07/08/1993
	Dr. William Melby	10/26/1985
	Dr. Mark Oas	12/14/2001
	Dr. Mark Bergquist	01/17/1985
Life University	Dr. Michelle Riegleman	12/17/1998

- MOTION:** Steven Silverman moved, seconded by James Koshick, to approve the preceptors as presented. Motion carried unanimously.

APPROVAL OF PRECEPTOR PROGRAMS

Wendy Henrichs informed the Board that Steven Silverman will be reviewing the preceptor programs and report back to the Board at the first meeting of 2010.

LEGISLATION/ADMINISTRATIVE RULES**CREDENTIALING/EDUCATION AND EXAMINATION ISSUES****Status Report on the Job Analysis**

Ms. Pizarro reported that the survey has gone out and that licensees have until October 11 to return the surveys; she has already received approximately 100 surveys. She is waiting for a computer program to analyze the data to be installed and tested.

Ms. Pizarro discussed exam development, indicating that based on the Board's discussion at the last meeting, the topics will be professional issues, radiography, and an undetermined section based on the survey results. The questions that need to be developed would be related to the Jurisprudence portion of the exam. Ms. Pizarro suggested that the exams be held on the same days as the Board meeting. She also asked that the practical exam and the jurisprudence exam be held at the same time.

Ms. Pizarro requested that each professional member choose a topic and serve as liaison to work with her on developing questions. Wendy Henrichs suggested that members consider one member to write jurisprudence questions and two members to write scenarios for the practical exam. Steven Silverman suggested that the Board receive a copy of the existing questions to be used to develop a second set of questions for a second written exam. Steven Silverman asked if the radiology section could be changed to a diagnostic section.

Wendy Henrichs explained that the process would start with Ms. Pizarro sending questions to the professional members to review and then develop additional questions. She also suggested that at the November meeting, the professional members would meet with Ms. Pizarro to identify the kinds of scenarios that Ms. Pizarro could develop. Wendy Henrichs appointed James Koshick, Steven Silverman and herself to an exam work group. Ms. Pizarro offered to join the group to take notes. Steven Silverman asked Wendy Henrichs to develop an outline for each section of the test and the nature of the questions for the exam before the face to face meeting. Wendy Henrichs suggested that the work group would need to determine what they would like the test to look like and develop the test from that point backward.

The work group will put some ideas together and forward that information to Ms. Pizarro as it relates to the clinical, diagnostic, practical exam.

Discussion Related to Implementation of Chiropractic Technician Training Requirements

Wendy Henrichs told the Board that they needed to decide whether the CT and CRT licensees would be grandfathered with regards to CE until the 2011 biennium.

MOTION: James Koshick moved, seconded by Steven Silverman, to waive the CT/CRT continuing education requirement for the current biennium ending December 14, 2010. Motion carried unanimously.

PRACTICE QUESTIONS

Scope of Practice Questions Received from JP Medical

“In Wisconsin, can a Chiropractic Physician who is also certified through an accredited Neurological organization administer a Non-Invasive Sensory Nerve Test in the office if the device being used meets AMA requirements and does not require a Neurologist?” The Board’s decision was to refer JP Medical to the Board policy and make JP Medical aware of the fact that Wisconsin does not have a Chiropractic Physician designation.

MISCELLANEOUS CORRESPONDENCE/INFORMATION AND PHONE INQUIRIES

Review and Discuss Correspondence from Sharon Bush, DC Regarding CA Delegation and the Upcoming Chiropractic Technician Law

Wendy Henrichs told the Board that since neither the Board nor the Department had any part in the legislation, the Board does not need to address this issue. The Board decided to refer Sharon Bush back to the Wisconsin Chiropractic Association and the legislature.

Review and Discussion Regarding Palmer College of Chiropractic’s Request Related to Chiropractic Technicians

Send a letter thanking Palmer College for their correspondence and remind them that we are bound by the legislation. The letter will include information that the Wisconsin Chiropractic Board will continue to recognize their Chiropractic Technologist program.

Review and Discuss Correspondence from Gerald B. Zelm, D.C. Related to Continuing Education

Send a letter to Dr. Zelm thanking him for his correspondence.

Review and Discuss Wisconsin Chiropractic Association’s (WCA) Request Related to Continuing Education

The Board decided to respond to WCA thanking them for their input, but at this time the Board is not going to begin the Rule (change) making process to regulate (limit) the number of hours per day a practitioner may participate in a continuing education program.

Review and Discuss Correspondence from WI Technical College District Boards Association Related to Continuing Education

The Board decided to respond to WTC thanking them for their input and remind them that the Board is bound by the Statutes.

Review and Discuss Correspondence from the Council on Chiropractic Education Regarding Nominations to the Council

James Koshick is interested, but participation may be limited by travel expenses. James Koshick will check with the Council regarding travel reimbursement.

MOTION: Kathleen Schneider moved, seconded by Steven Silverman, to appoint James Koshick as delegate to the Council on Chiropractic Education as a member-at-large. Motion carried unanimously.

Review and Discuss Correspondence from the National College of Chiropractic Regarding Doctor of Chiropractic Medicine Degree

The Board is going to respond that, in Wisconsin you cannot practice Chiropractic medicine as the law currently exists.

Review and Discuss Request for Reconsideration Relating to Continuing Education Course Approval from Northwestern Health Sciences University

Wendy Henrichs and Steven Silverman have already resolved this.

TRAVEL

None.

PUBLIC COMMENTS

None.

CLOSED SESSION

MOTION: Mania Moore moved, seconded by James Koshick, to adjourn to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Roll Call Vote: Wendy Henrichs – yes; James Koshick – yes; Mania Moore – yes; Steven Silverman – yes; Kathleen Schneider – yes. Motion carried unanimously.

Open session recessed at 10:50 a.m.

RECONVENE TO OPEN SESSION

MOTION: James Koshick moved, seconded by Steven Silverman, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 2:45p.m.

DISCUSSION REGARDING ITEM WRITING PLAN

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MONITORING

**RICHARD GOLDE, DC
REQUESTING REINSTATEMENT**

- MOTION:** Steven Silverman moved, seconded by James Koshick, to grant reinstatement with a limited license to Richard Golde, D.C.
- The limited license will be granted after completion of the following requirements:
 - Complete National Board of Chiropractic Examiners SPEC with a passing score
 - Complete the Wisconsin Jurisprudence exam with a passing score
 - Complete 40 hours Board approved Continuing Education credit. None of those credits will count toward the continuing education requirement for renewal in biennium ending December 2010.
 - In addition, 4 hours pre-approved Continuing Education in each Boundaries, Ethics and Radiology within the medical or chiropractic profession. None of those credits will count toward the continuing education requirement for renewal in Biennium ending December 2010.
 - Obtain current AED and CPR certifications.
 - Upon completion of the above requirements and receipt by the monitor of evidence showing completion, the department monitor shall issue a limited license. The license will have the following limitations:
 - Respondent is required to work as an associate in a clinic approved by the Board.
 - Respondent is required to have a Board approved supervisor within the clinic that has been provided with copies of all orders related to the Respondent.
 - The supervising chiropractor will file performance reports monthly for the first quarter and quarterly until further notice – reports are to consist of clinical competency including documentation, patient interaction, co-worker interaction and reports as to how respondent handles confrontational situations. The supervisor will report any adverse incidents to the monitor immediately.
 - The Board reserves the right to require Respondent to obtain an independent mentor.
 - There must be another chiropractor present at any time Respondent is in the clinic.
 - Respondent may not treat any patient in any location other than the clinic approved by the Board.
 - Respondent may have no participation in the billing or business practices of the clinic as it relates to his services.

- Respondent may only have professional relationships with clinic staff.
- Respondent will continue to meet not less than once per month with Dr. Peterson or another psychologist as approved by the Board with reports to be submitted quarterly or sooner if there is an indication of any notable behavior change.
- Respondent cannot re-petition the Board for review to modify licensure for a period of not less than two years from the date of reinstatement.
- Failure to comply with any term of the order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of the Respondents license. The Board in its discretion may in the alternative impose additional conditions and limitation s or other additional discipline for violation of any of the terms of this order.
- Motion carried unanimously

**JACK SCHERMERHORN, DC
REQUEST FOR FULL LICENSURE**

MOTION: James Koshick moved, seconded by Steven Silverman, to grant the request for full licensure to Jack Schermerhorn, D.C. Motion carried unanimously.

DIVISION OF ENFORCEMENT – CASE CLOSINGS, CASE STATUS REPORT

PROPOSED STIPULATIONS

06 CHI 014

MOTION: Mania Moore moved, seconded by Kathleen Schneider, to close case 06 CHI 014 for prosecutorial discretion. (P6) Motion carried unanimously.
03 CHI 052 AND 04 CHI 061

MOTION: Mania Moore moved, seconded by Kathleen Schneider, to close case 03 CHI 52 AND 04 CHI 61 for prosecutorial discretion with a caution letter to the respondent. Motion carried unanimously.

ORDER FIXING COSTS

KEVIN SERVI, D.C.

MOTION: Mania Moore moved, seconded by Kathleen Schneider, to deny the request to reduce the order fixing costs in the matter of Kevin Servi, D.C.

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(LS0710123CHI), instead following the recommendations of the Administrative Law Judge. Motion carried unanimously.

Deliberation of Proposed Stipulations that May be Signed after Mailing of the Agenda

None.

Deliberation of Proposed Administrative Warnings Received after Mailing of Agenda

None.

Deliberation of Proposed Final Decisions & Orders that May be Signed after Mailing Of the Agenda.

None.

Deliberation of Order Fixing Costs Received After the Mailing of the Agenda

None.

Deliberation of Petitions for Re-hearings Received After the Mailing of the Agenda

None.

REVIEW OF APPLICATIONS RECEIVED AFTER MAILING OF THE AGENDA

None.

DOE SIGNATURE COLLECTION

OTHER BOARD BUSINESS

ADJOURNMENT

MOTION: Steven Silverman moved, seconded by James Koshick, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:57 p.m.